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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,877	04/04/2001	Takafumi Soramoto	P 280041 VN-0071US	1841
909	7590	11/16/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			GARG, YOGESH C	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			3625	
DATE MAILED: 11/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,877

Applicant(s)

SORAMOTO ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 10-14, 21, 22 and 36 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-14 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on 8/29/2005 is acknowledged and entered. Claims 1, 10, 12, 21 and 36 are amended. Claims 4-9, 15-20, and 23-35 are withdrawn to Non-elected invention (s) in the applicant's response filed on 3/7/2005. Currently claims 1-3, 10-14, 21-22, and 36 are pending for examination

Election/Restrictions

2. Newly submitted amended claims 21-22 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly submitted amended claims 21-22 are directed to a Non-elected invention, that is determining if the web page can be granted the compensation based on identification information stored in a compensation granting database similar to the earlier Non-elected species of claims 5 and 16, see the Election of species made without traverse filed on 3/7/2005 in response to the Election/restriction requirement mailed by Office on 1/5/2005.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, newly submitted amended claims 21-22 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

In view of the above election by original presentation claims 21-22 will not be further treated on merits.

Response to Arguments

3.1. Applicant's arguments filed on 8/29/2005 concerning rejection of claims 12-14 and 21-22 under 35 USC. 101 are found persuasive and this rejection is withdrawn.

3.2. Applicant's arguments filed 8/29/2005 with respect to currently amended claims 1-3, 10-14, and 36 have been fully considered but they are not persuasive. The applicant argues, see Remarks, pages 12-13 that the prior art reference Bell '606 does not teach a compensation-granting portal site server that grants communication access to a user via said first URL and then employs a URL rewriting unit to receive a second URL of a web page of one of the other servers based on a request initiated by the user, to rewrite the second URL to be linked to the first URL, and to transmit the rewritten second URL to the user, as required by claim 1. The examiner respectfully disagrees because Bell does show using an interface and the customer accesses/hyperlinks to a URL, that is a merchant loyalty site [see at least Figs. 3 and 6 and col.4, lines 11-51] which offers benefits to the customers and is connected to various other merchant servers, thus corresponds to the claimed compensation granting portal site server. This loyalty web site 30 employs a rewriting unit to rewrite the URL of a merchant server linked to it by Hyperlink protocol and transmits this merchant server website that is the URL of the merchant server to the customer when the customer clicks " I Accept " button "32", see Fig.3 and step "65" in Fig.6].

In view of the foregoing rejection of claims 1-3, 10-14, and 36 is sustainable as being anticipated by the reference Bell.

3.3 Keeping in line with the applicant's specification examiner has considered the term " server" used in claims 1-3 and 36 (see Fig.2 and paragraph 0068-00690 including a CPU 21, a Rom 22, and a Ram 24, a communication interface 26. If the Applicant does not agree to this interpretation of the term "server" in claims 1-3 and 36 then he should put it on the record.

Claim Rejections - 35 USC § 102

4 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 10-14, & 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Bell et al. (US Patent 6,574,606 B1), hereinafter, referred to Bell.

Regarding claim 1, Bell discloses a server for a compensation-granting portal site on the Internet having a first URL, and connecting to a plurality of other servers through the Internet (see Fig.1 wherein the “Merchant Loyalty Server” corresponds to the claimed compensation-granting portal site on the Internet), the server comprising:

A communication interface configured to grant communication access to a user via said first URL (see Fig.3 wherein the buyer is provided a communication interface “32—Accept” because by clicking on it the user is granted access to another URL of a merchant server (see at least Figs. 3 and 6 and col.4, lines 11-51);

a URL rewriting unit configured to receive a second URL of a web page of one of the other servers based on a request initiated by said user to rewrite said second URL to be linked to said first URL, and to transmit said rewritten second URL to the user (see at least Figs. 3 and 6 and col.4, lines 11-51. Bell shows a customer using an interface, as analyzed above, access/hyperlink to a URL, that is a merchant loyalty site which offers benefits to the customers and is connected to various other merchant servers. The loyalty web site which

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corresponds to the claimed compensation granting portal site server and the first URL employs a rewriting unit to rewrite the URL of a merchant server linked to it by Hyperlink protocol and transmits this merchant server website that is the URL of the merchant server to the customer when the customer clicks " I Accept " button "32", see Fig.3 and step "65" in Fig.6).

Regarding claims 2 & 3, Bell discloses that the loyalty web site which corresponds to the claimed compensation granting portal site server comprises a compensation-granting unit connected to said URL rewriting unit, said granting unit granting compensation relating to a deal performed by the user on said web page having said second URL, wherein said compensation-granting unit grants said compensation by means of insurance (see Figs.3, Fig.6 col.2, line 56-col.3, line 32, and col.4, lines 11-51 which disclose that the compensating granting unit connected to loyalty web site grants a compensation in the form of insurance).

Regarding claims 10-14, their limitations are closely parallel to the limitations of claims 1-4 and are therefore analyzed and rejected on the same basis. With regards to claims 21-22, Bell shows receiving access of a user who performs a deal of making a purchase at Widgetz.com web page linked to the merchant's server and grants a compensation in the form of insurance (see Figs.3, Fig.6 col.2, line 56-col.3, line 32, and col.4, lines 11-51).

Regarding claim 36, all the limitations are closely parallel to the limitations of claims 1-4 and are therefore analyzed and rejected on the same basis.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6029141 to Bezos et al. discloses a communication interface to grant communication access to a user via said first URL, that is the associate's web site to be linked to a merchant's server web site by rewriting the merchant's URL to present it to the buyer based upon his initiation of a query on the associate's web site.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
November 7, 2005